

REMARKS

Claims 1-18 are pending in the application, including claims 13-18 which were added by the Amendment filed September 12, 2003.

In response to the September 12 Amendment, the Examiner removed the rejection under 35 U.S.C. § 112, second paragraph. The prior art rejection is repeated. Thus, the status of the claims is the following.

Claims 1-18 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over previously-cited Cane et al. (Pub. No. US 2001/0034737, hereafter "Cane '737") in view of previously-cited Arun et al. (US 5,933,593, hereafter "Arun '593").

Applicant respectfully traverses the claim rejection with the following comments.

In the Response to Arguments, beginning on page 4 of the Office Action, the Examiner quotes some of the comments included in the Amendment filed September 12, 2003. After quoting the comments the Examiner states: "In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a plurality of servers do not function completely differently for making a backup of the database, but each server makes a backup of other's database while each server updates its database on the process by the clients connected to the server) are not recited in the rejected claim(s)." On this issue, Applicant points out that the quoted portion of the Remarks of the Amendment recited by the Examiner does not include features which were argued to not be disclosed by the references. Rather, the portion of the Amendment referred to by the Examiner simply includes comments, which describe the applied references. Thus, this portion of the Remarks does not include arguments against the references.

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On page 10, lines 9-11, of the September 4 Amendment, Applicant noted that Arun '593 does not disclose transferring updating information database using a plurality of servers to transfer updating information to another server. However, contrary to the Examiner's assertion, the Amendment did not make this particular argument against the Arun '593 reference. In fact, the Examiner did not even assert that Arun '593 disclosed this feature of the invention. Instead, the Examiner cited Cane '737 as allegedly disclosing this feature of the invention.

Also in the Response to Arguments, the Examiner asserts that one of ordinary skill in the art would understand paragraph [0031] of Cane '737 to read on the claimed replication trigger generator for generating a replication trigger based on the updating of the database of the distributed data processing process performed by the clients. Once again, however, the Examiner has failed to specifically identify which portion of paragraph [0031] of the reference allegedly discloses the replication trigger generator. After reviewing this paragraph again, Applicant has not identified any portion of the paragraph which seems to correspond to a replication trigger generator. As disclosed in this paragraph of the reference, server 102 receives a file marked for archival backup storage and determines if the file has been stored before. If the file has not been stored, the server 102 stores the file and provides a copy of the file to the mirror server 110. The mirror server 110 also stores the file on the first memory device 114. However, the paragraph does not disclose a replication trigger generator for generating a replication trigger based on the updating of the database by the distributed data process performed by the clients. Thus, claim 1 is allowable over the prior art for at least this reason.

In the Amendment filed September 12, 2003, Applicant argued that Cane '737 does not teach or suggest an updating information transfer unit for transferring updating information of

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the database to another one of the servers based on the replication trigger. In the current Office Action, the Examiner has not responded to this argument. Hence, Applicant submits that claim 1 is allowable over the prior art for this reason too.

Further argued in the Amendment of September 12 was that claim 1 is allowable over the prior art, because the prior art fails to teach or suggest a system where each server includes the recited elements. In the Response to Arguments, the Examiner simply repeated the argument related to the replication trigger generator, rather than addressing the substance of the argument concerning each server including the recited elements. As noted in claim 1, the claim recites that each of the servers comprises: a database memory..., a replication trigger generator..., an updating information transfer unit..., and a database updating processor.... Since the Examiner has failed to show that each of the servers of the cited references discloses each of these limitations of claim 1, Applicant submits that claim 1 is allowable over the prior art for this additional reason.

Beginning at the end of page 11 of the September 12 Amendment, Applicant argued that the Cane '737 and Arun '593 references teach away from their combination. Rather than addressing this argument against the combination of references, the Examiner states that the features upon which the Applicant relies are not recited in the rejected claims. However, as noted above, this argument was against the combination of references, rather than arguing the features of the claims of the present invention. Thus, the Examiner's remarks regarding the features upon which Applicant relies are misplaced. Due to the differences between the two cited references, as noted in the September 12 Amendment, Applicant submits that the claims are allowable over the prior art for this additional reason.

With respect to the Examiner's statement that one cannot show non obviousness by attacking references individually where the rejections are based on combinations of references, Applicant points out to the Examiner that the argument relating to Arun '593 failing to makeup for the deficiencies of Cane '737 is not an attack on Arun '593 separately. Rather, the arguments in the Amendment were directed to the combination of references, including the specific features which were alleged to be taught by the individual references.

In the September 12 Amendment, Applicant argued that the Examiner did not assert that the prior art disclosed each of the limitations of claims 3, 4, 10 and 12. In the first full paragraph on page 8 of the Office Action, the Examiner responds by asserting that the limitations of the claimed invention are "element by element, clearly identified" in the previous Office Action. Clearly, this is not correct. For example, claim 3 recites a backup processor for performing backup process at predetermined time intervals while the database is in operation, a backup data memory for storing backup data produced by the backup process performed while the database is in operation, and archived data generator for generating archive data based on the updating information of the database which is generated after the backup process performed while the database is in operation has started, and an archive data memory for storing the archive data, the arrangement being such that the database is recovered based on the backup data and the archive data. Despite these numerous and detailed limitations of claim 3, the Examiner simply asserts with respect to claim 3 that Cane '737 discloses "archived data."

It is very clear that claim 3 recites much more than simply "archived data." Thus, it is also clear that the Examiner is incorrect in asserting that the limitations of the claimed invention are "element by element, clearly identified." The same stark contrast exists between the

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limitations of claims 4, 10 and 12 and the alleged disclosures of Cane '737. Thus, the rejection of claims 3, 4, 10, and 12 are deficient.

Applicant submits that claims 2-6, 13, 14 and 16-18 are allowable over the prior art, at least because of their dependence from claim 1.

With regard to claims 7-12 and 15, Applicant submits these claims are allowable over the prior art for reasons analogous to those presented above in relation to claim 1.

On page 3 of the Office Action, the Examiner takes Official Notice that "SQL, backup data in backup data memory, clients are different and transferring updating information to another server are well known and expected in the art." Initially, Applicant requests that the Examiner provide support for his taking of Official Notice with regard to the features of these claims. Furthermore, the recitations of claims 13-17 are not as simplified as the subject matter of which the Examiner is taking Official Notice. For example, claim 13 recites that the replication trigger generator converts an updating SQL into a propagating SQL, not simply "SQL." As another example, claim 17 recites that the database updating processor in each of the servers updates the database based on the updating information, the updating information is generated upon an updating request from one of the clients connected to the server, and the database updating processor transfers the updating information of the database to another one of the servers. Clearly, the recited features of these claims exceed the scope of the Examiner's taking of Official Notice. Hence, Applicant submits that claims 13-17 are allowable for this reason.

With further regard to claims 13-18, on page 9 of the Office Action the Examiner asserts that the Applicant admits that new claims 13-18 do not distinguish over the prior art of record. This assertion by the Examiner is not correct. The Applicant did not make such an admission.

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Rather, the Amendment of September 12, 2003, simply stated that new claims 13-18 are added to further define the invention. As noted above, these claims are allowable over the prior art, at least because of there dependence from the independent claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

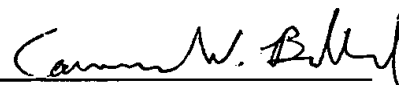
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Date: January 5, 2004